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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/697,503	Applicant(s) ITO, NORIKO	
	Examiner Ngoc K. Vu	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/17/01, 3/3/03, 6/20/01</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 12, 13, 21-27 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Tognazzini (EP 0817414 A2).

Regarding **claim 1**, Tognazzini discloses a system of providing broadcast information, comprising:

a receiving processing unit (16 – see figure 2) for receiving both program and advertisement informations (input signal 14 included television video program or radio program and advertisement) broadcasted and for extracting only the advertisement information therefrom (striping the received data to obtain the advertising information) (see col. 6, lines 28-35 and 47-55);

a reproducing unit (8, 10, 12 – see figure 2) being connected to the receiving processing unit (16) for fetching both the program and advertisement informations from the receiving processing unit and for re-producing both the program and the advertisement (for example, displaying the video program and advertisement on display 12 or transmitting the advertisement to printer 10 - see col. 6, lines 39-43);

an accumulating unit (20, 22) being connected to the receiving processing unit for fetching only the extracted advertisement information from the receiving processing unit (16)

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and for accumulating the advertisement information (for example, memory 20 and memory 22 store the extracted advertisements from the input signals, and the advertising information are accumulated, e.g., various previous advertiser messages, stored in memory 20 - see col. 7, lines 15-19; col. 7, line 54 to col. 8, line 2); and

a control unit (18) being operable by an operator (user) and being connected to both the accumulating unit and the reproducing unit for fetching at least operator-selected one of the accumulated advertisement information from the accumulating unit and for transferring the at least operator-selected advertisement information to the reproducing unit for enabling the reproducing unit to reproduce the at least operator-selected advertisement information (for example, control unit 18 obtains the selected previous advertiser message from memory 20 and sends it to the printer 10 for printing or to display 12 for displaying – see col. 7, lines 15-19; col. 7, line 54 to col. 8, line 2).

Regarding **claim 2**, Tognazzini discloses that the user can selectively obtain the current advertiser message or the previous advertiser message by activating the buttons. The control unit 18 then controls the reproducing unit to retrieve the current advertiser message from memory 22 or the previous advertiser message from memory 20. For example, the video program and current advertiser message are displayed on the display 12, the user can request to view the previous advertiser message by activating the button 26. In response, the control unit 18 obtains the selected previous advertiser message and displays it on display 12 or prints it on printer 10 (see col. 7, line 47 to col. 8, line 2; col. 2, lines 34-47; col. 1, lines 7-10).

Regarding **claim 3**, Tognazzini discloses that the processor 6 analyses and strips the received data and obtains the advertising information. The receiving unit 16 analyses the

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received input signal 14 for the advertising data embedded within the input signal. That is, receiving unit 16 identifies the advertising data within the received input signal. Thus, the receiving unit recognizes an identification code allocated to the advertising information for extracting only the advertisement information from the broadcasted program and advertisement informations (see col. 6, line 52 to col. 7, line 7).

Regarding **claim 4**, Tognazzini discloses that the program and advertising informations are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 5**, Tognazzini discloses that the receiving unit 16 recognizes a predetermined frequency signal (e.g., a radio AM signal, a radio FM signal or a television signal) allocated to the advertisement information for extracting only the advertisement information from the broadcasted program and advertisement informations (see col. 6, lines 31-35; col. 6, line 49 to col. 7, line 7).

Regarding **claim 6**, Tognazzini discloses that the program and advertising informations are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 12**, Tognazzini discloses that the reproducing unit comprises a display unit 12 or a printing unit 10 (see figure 2; col. 6, lines 39-43).

Regarding **claim 13**, Tognazzini discloses that the receiving processing unit 16 distinguishes the extracted advertisement information into both a guidance information (e.g., destination number) which corresponds to a part of the extracted advertisement and a full information (e.g., current or previous advertiser information) which corresponds to an entire of

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the extracted advertisement information, and the accumulating unit (20, 22) accumulates the guidance advertisement and the full information separately (storing the current or previous advertiser specific data and the advertiser destination number in the memory 20, 22), and the control unit (18) transfers the guidance information (e.g., destination number) to the reproducing unit to reproduce the guidance information to wait for an operator's request for reproducing the full information, before the control unit transfers the full information to the re-producing unit to re-produce the full information only when receipt of the operator's request (for example, when user activates button 25, the control unit 18 then retrieves the current advertiser information from the memory 22 which includes the telephone number of the current advertiser that has been selected. The control unit 18 then automatically dials the current advertiser's telephone number via interaction with telephone 8 – see col. 4, lines 26-38; col. 7, lines 20-44).

Regarding **claim 21**, Tognazzini discloses that the system is loaded on a vehicle (see col. 3, lines 5-11, and 23-32).

Regarding **claim 22**, Tognazzini discloses a method of providing broadcast informations, comprising the steps of:

receiving both program and advertisement information broadcasted (receiving input signal 14 via receiver 16 included the video program or radio program and advertisement – see figure 2);

extracting only the advertisement information from the program and advertisement informations (striping the received data to obtain the advertising information - see col. 6, lines 28-35 and 47-55);

accumulating the extracted advertisement information (for example, memory 20 and memory 22 store the extracted advertisements from the input signals, and the advertising information are accumulated, e.g., various previous advertiser messages, stored in memory 20 - see col. 7, lines 15-19; col. 7, line 54 to col. 8, line 2); and

reproducing at least one operated-selected advertisement information (for example, producing the selected advertisement on display 12 or on printer 10 when user activates button 24 or 26 - see col. 6, lines 39-43 and figure 2).

Regarding **claim 23**, Tognazzini discloses that the user can selectively obtain the current advertiser message or the previous advertiser message by activating the buttons. The control unit 18 then controls the reproducing unit to retrieve the current advertiser message from memory 22 or the previous advertiser message from memory 20. For example, the video program and current advertiser message are displayed on the display 12, the user can request to view the previous advertiser message by activating the button 26. In response, the control unit 18 obtains the selected previous advertiser message and displays it on display 12 or prints it on printer 10 (see col. 7, line 47, to col. 8, line 2; col. 2, lines 34-47; col. 1, lines 7-10).

Regarding **claim 24**, Tognazzini discloses that the processor 6 analyses and strips the received data and obtains the advertising information. The receiving unit 16 analyses the received input signal 14 for the advertising data embedded within the input signal. That is, receiving unit 16 identifies the advertising data within the received input signal. Thus, the receiving unit recognizes an identification code allocated to the advertising information for extracting only the advertisement information from the broadcasted program and advertisement informations (see col. 6, line 52 to col. 7, line 7).

Regarding **claim 25**, Tognazzini discloses that the program and advertising informations are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 26**, Tognazzini discloses that the receiving unit 16 recognizes a predetermined frequency signal (e.g., a radio AM signal, a radio FM signal or a television signal) allocated to the advertisement information for extracting only the advertisement information from the broadcasted program and advertisement informations (see col. 6, lines 31-35; col. 6, line 49 to col. 7, line 7).

Regarding **claim 27**, Tognazzini discloses that the program and advertising informations are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 33**, Tognazzini discloses that the receiving processing unit 16 distinguishes the extracted advertisement information into both a guidance information (e.g., destination number) which corresponds to a part of the extracted advertisement and a full information (e.g., current or previous advertiser information) which corresponds to an entire of the extracted advertisement information, and the accumulating unit (20, 22) accumulates the guidance advertisement and the full information separately (storing the current or previous advertiser specific data and the advertiser destination number in the memory 20, 22), and the control unit (18) transfers the guidance information (e.g., destination number) to the reproducing unit to reproduce the guidance information to wait for an operator's request for reproducing the full information, before the control unit transfers the full information to the re-producing unit to re-produce the full information only when receipt of the operator's request (for example, when

user activates button 25, the control unit 18 then retrieves the current advertiser information from the memory 22 which includes the telephone number of the current advertiser that has been selected. The control unit 18 then automatically dials the current advertiser's telephone number via interaction with telephone 8 – see col. 4, lines 26-38; col. 7, lines 20-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9, 14-20, 28-30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (EP 0817414 A2).

Regarding **claims 7-9 and 28-30**, Tognazzini discloses that the control unit 18 obtains the selected previous advertiser information for displaying or printing the advertisement information on display 12 or printer 10. Corresponding to user's request, the advertisement information is reproduced repeatedly for displaying (see col. 7, line 54 to col. 8, line 2). Tognazzini does not explicitly teach selecting the advertisement in accordance with a predetermined description of attribute, wherein the predetermined description is a first type attribute to reproduce the advertisement information always belonging to broadcasts of a predetermined broadcast program. Official Notice is taken that broadcasted information comprising an indicator of the advertisement to be present, channel, or program with which the advertisement is associated, and the channel on which the advertisement is to be presented is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to modify the system of Tognazzini by reproducing the advertisement information in accordance with the broadcasted information indicated a particular program with which the advertisement is associated in order to effectively broadcast the advertisement associated with that particular program.

Regarding **claim 14**, Tognazzini discloses that the control unit 18 controls the reproducing unit to reproduce the advertisement information at a normal speed, e.g., displaying the advertisement on the display 12 (see col. 7, line 47 to col. 8, line 2). Tognazzini does not explicitly teach the control unit controls the reproducing unit to discontinue the re-production impermanently, to discontinue the reproduction permanently, to turn back toward the head of the advertisement information, to reproduce the advertisement information at a higher speed than the normal speed, to turn back frames of the advertisement information, to forward the frames of the advertisement information, and to repeat reproducing the advertisement information. Official Notice is taken that trickmode feature such as pause, stop, reverse, fast forward, resume...etc is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by providing trickmode feature in order to allow the user to control playback the advertisement information.

Regarding **claim 15**, Tognazzini discloses that the control unit comprising an indicator panel, i.e., buttons/switches 23-25, directly touched by the user (see figure 2).

Regarding **claim 16**, Tognazzini shows the system includes television 2 and display 12 (see figures 1-2). Tognazzini does not explicitly disclose the control unit comprising a wireless remote controller. Official Notice is taken that using a wireless remote control in television system for remotely control TV is well known in the art. Therefore, it would have been obvious

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to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by providing a wireless remote controller to allow the user remotely control TV.

Regarding **claim 17**, Tognazzini discloses a keyboard 42 and a mouse 44 as input devices (see col. 8, lines 28-29).

Regarding **claim 18**, Tognazzini discloses that the user is connected to the advertiser for additional product/service inquiry and/or directions to the advertiser (see col. 8, lines 7-12). Tognazzini does not explicitly disclose a voice access controller having a voice-recognition processor. Official Notice is taken that authentication technique such as voice recognition is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by utilizing voice recognition controller in order to verify the user identification.

Regarding **claims 19, 20 and 34**, Tognazzini discloses that the control unit 18 instructs the reproduction unit 12 to reproduce the previous advertiser information. It is noted that the control unit 18 inherently comprises a timer since it is a main central processing unit (see figures 1-2; col. 7, line 54 to col. 8, line 2 and figure 2). Tognazzini does not explicitly disclose reproducing the advertisement information when a predetermined time has passed. Official Notice is taken that presenting advertisement to the viewers in accordance with a specific time/date is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by presenting advertisement to the users in accordance with a specific time/date as the advertiser desires to distribute the advertisement effectively.

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5. Claims 10, 11, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (EP 0817414 A2) in view of Hejna, Jr. (US 6,598,228 B2).

Regarding **claims 10, 11, 31 and 32**, Tognazzini discloses that the control unit 18 obtains the selected previous advertiser information for displaying or printing the advertisement information on display 12 or printer 10. Corresponding to user's request, the advertisement information is reproduced repeatedly for displaying (see col. 7, line 54 to col. 8, line 2). Tognazzini does not explicitly disclose the predetermined description of attribute is a second type attribute to reproduce the advertisement information at a predetermined normal speed until the last of the advertisement information once. However, Hejna teaches that a rule indicating rate information output during the first two or three occurrences of a commercial advertisement occurring in a series of media works received by the client device are unmodifiable (see col. 34, lines 21-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by including a rule indicated rate output the advertisement are unmodifiable as taught by Hejna in order to prevent users from speeding through the advertisement they have not seen before.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logan et al. (US 5,732,216 A) discloses an audio program and message distribution system.

Rines et al. (US 20010033442 A1) discloses a method and apparatus for expanding functionality of vehicle cassette tape player decks to permit dictation or other recording and automatic remote station relaying of same.

Smith (US 6,067,008 A) discloses a method and apparatus for inputting messages including advertisements to a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
Art Unit 2611

November 22, 2004